# Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of	)
THE BOEING COMPANY	)
Licensee of Private Land Mobile Radio Station	)

#### ORDER PROPOSING MODIFICATION

Adopted: May 12, 2010 Released: May 14, 2010

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

### I. INTRODUCTION

1. By this *Order Proposing Modification*, we initiate a proceeding to modify the license of The Boeing Company (Boeing) for Private Land Mobile Radio (PLMR) Station WNLH288 to reduce the Effective Radiated Power (ERP) of one of its base station locations from 430 watts to 350 watts on certain frequencies as detailed below. We take this action in furtherance of ensuring compliance with international obligations and Commission rules.

## II. BACKGROUND

- 2. Boeing is licensee for PLMR Station WNLH288 in Kitsap County, Washington. Because Station WNLH288 operates in the 800 MHz band and is located within 140 kilometers of the border with Canada, it is subject to the provisions of the bilateral annex (Arrangement F) with Canada, which specifies the conditions under which 800 MHz PLMR stations may operate along the border. Under Arrangement F, the ERP of stations in the border region is limited based on the height of the transmitting antenna. These power and antenna height limits are also reflected in Sections 90.619(c)(3) of the Commission's rules.<sup>2</sup>
- 3. The license for PLMR Station WNLH288 improvidently authorizes Boeing to transmit with 430 watts ERP at base station location 6 located in Bremerton, WA. An analysis of this base station location reveals, however, that—based on the antenna height—the maximum permitted ERP for this base station location is 350 watts as specified in Section 90.619(c)(3) of the Commission's rules and the

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<sup>&</sup>lt;sup>1</sup> See Arrangement Between the Dept. of Communications of Canada and the FCC of the United States Concerning the Use Along the US-Canada Border of the Band 806-890 MHz (Jan. 1994, addendum, Dec. 1994) (Arrangement F). See also Arrangement Between the Dept. of Communications of Canada and the FCC of the United States Concerning the Use Along the US-Canada Border of the Bands 821-824 MHz and 866-869 MHz (Sep. 1990, addendum, Dec. 1994).

<sup>&</sup>lt;sup>2</sup> 47 C.F.R. § 90.619(c)(3).

referenced Arrangement F.<sup>3</sup> An explanation for how the maximum ERP is determined pursuant to Section 90.619(c)(3) of the Commission's rules and Arrangement F is included in Attachment I.

### III. DISCUSSION

- 4. Based on the information before us, we conclude that the license for Station WNLH288 should be modified so that the ERP of base station location 6 complies with Commission rules and Arrangement F on the frequencies listed in Attachment I.<sup>4</sup>
- 5. In accordance with Section 1.87(a) of the Commission's Rules,<sup>5</sup> we will refrain from issuing an order modifying Station WNLH288 until Boeing has received this notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Boeing must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement which protests the proposed modification and either proposes an alternate method for bringing its base station into compliance on the frequencies listed in Attachment I with Section 90.619(c)(3) of the Commission's rules and Arrangement F, or demonstrates that the proposed modification is not in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554.<sup>6</sup> In addition, please provide an electronic copy of any written statement to Brian Marenco, Policy Division, Public Safety and Homeland Security Bureau, at Brian.Marenco@fcc.gov.
- 6. If no timely protest is filed, Boeing will have waived its right to protest the modification and will be deemed to have consented to the modification. The license for Station WNLH288 will then be modified to specify an ERP of 350 watts for base station location 6 on the frequencies listed in Attachment I in compliance with Section 90.619(c)(3) of the Commission's rules and Arrangement F.

#### V. ORDERING CLAUSES

7. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's rules, 47 C.F.R. § 1.87, that the license for Private Land Mobile Radio Service Station WNLH288, held by The Boeing Company, BE MODIFIED by reducing the Effective Radiated Power of

<sup>&</sup>lt;sup>3</sup> *Id. See also* Arrangement F, Annex A, Table A2. The maximum ERP limits are based on the Antenna Height Above Mean Sea Level in Canada Border Region 5 where Station WNLH288 is located.

<sup>&</sup>lt;sup>4</sup> Industry Canada objected to the operation of base station location 6 at 430 watts ERP only on the frequencies listed in Attachment I. Therefore, Boeing may continue to operate location 6 at 430 watts ERP on the remaining licensed frequencies.

<sup>&</sup>lt;sup>5</sup> 47 C.F.R. § 1.87(a).

<sup>&</sup>lt;sup>6</sup> Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of <u>before</u> entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

base station location 6 from 430 watts to 350 watts on the frequencies listed in Attachment I to comply with Section 90.619(c)(3) of the Commission's rules and Arrangement F.

- 8. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to The Boeing Company, Launita Hernandez, PO Box 3707, Attn: Freq Mgt Svc, M/C 2T-22 Seattle, WA 98124-2207.
- 9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone Deputy Chief, Mobility Division Wireless Telecommunications Bureau

### Attachment I

# Maximum Permitted ERP Under Section 90.619(c)(3) and Arrangement F

Stations authorized on U.S. primary channels in Canada Border Region 5, which includes Washington State, are subject to the Effective Radiated Power (ERP) and Antenna Height Above Mean Sea Level (RCAMSL) limits listed in Table C4 of Section 90.619(c)(3).

The pertinent values for Stations WNLH288 are included below:

Call Sign	Location	Lat.	Long.	Current	Replacement	RCAMSL	Maximum	Licensed ERP
	No.	(N)	(W)	Frequency	Frequency	(meters)	Permitted	(watts)
				(MHz)	(MHz)		ERP	
							(watts)	
WNLH288	6	47° 32' 51.3"	122° 46' 57.5"	852.2625	862.5625	566	350	430
WNLH288	6	47° 32' 51.3"	122° 46' 57.5"	853.7625	863.7625	566	350	430

 $<sup>^7</sup>$  The ERP limitation applies to both Boeing's currently licensed frequency and its 800 MHz rebanding replacement frequency. *See* Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order,* 19 FCC Rcd 14969, 15077 ¶ 201 (2004).